



11-10-07

APR 10
2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/476,485 Art Unit: 1644
Applicant(s): Colucci et al. Examiner: M. Belyavskiy
Date Filed: December 30, 1999 Conf. No.: 7906
Docket No.: PHY-003US1/108236.119 Cust. No.: 23483
Title: Progenitor Cell Preservation Factors and Methods for and Products of Their Use

CERTIFICATION UNDER 37 C.F.R. § 1.10

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NOTICE OF APPEAL PURSUANT TO 37 C.F.R. §1.191

Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the Final Office Action mailed September 9, 2004 finally rejecting claims 73-84.

The Commissioner is hereby authorized to charge the required fee of \$340 for the Notice of Appeal to Deposit Account No. 08-0219. The Commissioner is also authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 08-0219.

11/12/2004 LWONDIM1 00000004 080219 09476485

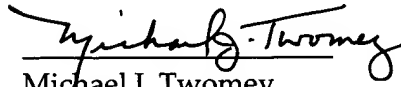
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U.S. Appln. No. 09/476,485
Our Ref. No.: PHY-003US1/108236.119
Notice of Appeal dated November 9, 2004

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,
**WILMER CUTLER PICKERING
HALE AND DORR LLP**

Date: November 9, 2004


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Date of Mailing: 11/09/2004

PTO/SB/17 (10-04)

Approved for use through 07/31/2006. OMB 0651-0032
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FEE TRANSMITTAL
for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

340.00

Complete if Known

Application Number	09/476,485
Filing Date	12/30/1999
First Named Inventor	Colucci, et al.
Examiner Name	M. Belyavskiy
Art Unit	1644
Attorney Docket No.	108236.119/PHY-003US1

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 08-0219
Deposit Account Name: Wilmer Cutler Pickering Hale and Dorr LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	340.00
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

340.00

SUBMITTED BY

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38,349

(Complete if applicable)

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Signature

Michael J. Twomey

Date

11/09/2004

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